UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/872,674	04/23/92	JONES M	89.348A

GREGORY, B EXAMINER

22M1/0708

ALLEGRETTI & WITCOFF, LTD.
TEN SOUTH WACKER DR.
CHICAGO, IL 60606

ART UNIT	PAPER NUMBER
2202	#9

DATE MAILED: 07/08/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 12/4/92 + 3/30/93 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 8-12 are pending in the application.
   Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 1-7 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 8, 11, + 12 are rejected.
5. ☒ Claims 9-10 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☒ The proposed drawing correction, filed on 12/4/92, has been ☒ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☒ Other THE 3/30/93 DRAWINGS HAVE BEEN RECEIVED, AND ARE UNDER REVIEW BY THE PTO DRAFTSMAN.

EXAMINER'S ACTION

PTOL-326 (Rev. 9-89)

This Office Action is in response to Applicant's Amendment A of 04 December 1992 and to Applicant's Amendment B of 30 March 1993. It is noted that claims 1-7 have been cancelled, and that claims 8-12 are newly-added. Claims 8-12 are in the case.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

Claim 8 is rejected under 35 U.S.C. § 102 (b) as being anticipated by Lee et al ('027); Weldon, Jr. ('246); or, Feistel ('055).

Lee et al ('027); Weldon, Jr. ('246); and, Feistel ('055) all show systems that use pseudorandom sequences to encrypt and decrypt the data sent between the two communicating parties. It is noted that the language in claim 8 does not link the provision of the "seed value" to the transmitter and the provision of the "seed value" to the receiver. Further, it is noted that "providing" does not indicate that the "seed value" is generated. Please note in section 4.1 of Primality and Cryptography by Evangelos Kranakis that the use of seed values is inherent in pseudorandom number generators.

Claim 12 is rejected under 35 U.S.C. § 102 (b) as being anticipated by Lee et al ('027).

As for the further limitation of dependent claim 12, the provision of the "seed value" via mail (as written in Figure 1) is inherently the provision of the seed value from a center separate from the transmitter and the receiver in the the transmitter is not a mailing facility. Please note column 3, lines 32-49 of Lee et al ('027) with respect to seeding.

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

> **"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.**
>
> **Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."**

Claim 11 is rejected under 35 U.S.C. 103 as being unpatentable over Lee et al ('027); Weldon, Jr. ('246); or, Feistel ('055).

It would have been obvious to one of ordinary skill-in-the-art to compress the data communicated in Lee et al ('027); Weldon, Jr. ('246); or, Feistel ('055) for the old and well-known advantage of greater data capacity per unit of time.

. Claims 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Section 4.1 of "Primality and Cryptography" by Evangelos Kranakis is cited to show that the use of seed values is inherent in pseudorandom number generators.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE

ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Bernarr Gregory whose telephone number is (703)-308-0479. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-0766.

Bernarr E. Gregory

BERNARR E. GREGORY
PRIMARY EXAMINER
GROUP 2200